

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD E. ANAYA,

Plaintiff,

v.

RONALD M. GEORGE, et al.,

Defendants.

No. C 08-04178 SBA (PR)

**ORDER ADMINISTRATIVELY
CLOSING CASE; TERMINATING
ALL PENDING MOTIONS AS
MOOT; AND DIRECTIONS TO
CLERK**

This instant action was opened when Plaintiff, a California prisoner incarcerated at Kern Valley State Prison and proceeding pro se, filed a document entitled "Motion of Objection to Defendant(s) Demurrer Notice Objections(s) With Memorandum of Points and Authorities in Support Thereto Complaint." The caption of the document identifies the "United States District Court of the Northern District of California" as the presiding court; however, the text of the document reveals that Plaintiff is attempting to submit a brief in a civil action filed in the San Francisco County Superior Court, Anaya v. George, et al., Case No. CGC-07-469087. According to Plaintiff's attachments, a judgment was entered by the superior court on June 23, 2008, stating "[t]he Demurrer of Defendants Ronald M. George and Rise Jones Pichon having been sustained without leave to amend, Judgment is entered in favor of Defendants and against Plaintiff Richard E. Anaya." See June 23, 2008 Judgment in Case No. CGC-07-469087 at 1.

Accordingly, as the instant action was opened in error when Plaintiff mistakenly sent to this Court a document he apparently intended to file in the San Francisco County Superior Court, the Clerk of the Court is hereby DIRECTED to administratively close the case. If Plaintiff seeks to appeal the June 23, 2008 judgment filed in the San Francisco County Superior Court, he must follow the procedures for appealing from a judgment or order of a state superior court.

1 Because the instant action was opened in error, all pending motions (docket nos. 2, 4) are
2 terminated as moot, and no filing fee is due.

3 This Order terminates Docket nos. 2 and 4.

4 IT IS SO ORDERED.

5 DATED: 4/29/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RICHARD E. ANAYA,

5 Plaintiff,

6 v.

7 RONALD M. GEORGE et al,

8 Defendant.
_____ /

Case Number: CV08-04178 SBA

CERTIFICATE OF SERVICE

9
10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on April 30, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

16 Richard E. Anaya P-36075
17 Kern Valley State Prison
18 P.O. Box 6000
19 Delano, CA 93216-6000

20 Dated: April 30, 2009

21 Richard W. Wieking, Clerk
22 By: LISA R CLARK, Deputy Clerk
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